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MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Patent No. 6,840,714  
Issue Date: January 11, 2005  
Application No. 10/621,537  
Filed: July 17, 2003  
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed March 9, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This patent expired at midnight January 11, 2009, for failure to pay the 3½ maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

Petitioner has submitted \$490 for payment of the 3½ year maintenance fee and \$65 for the surcharge fee. However, since the 3½ year maintenance fee payment was received outside the 6 months grace period the appropriate surcharge required under 37 CFR 1.20(i)(2) is \$1,640. Accordingly, the amount of \$65 will be applied towards the surcharge leaving a balance of \$1,575 that has to be paid prior to the reinstatement of the patent.

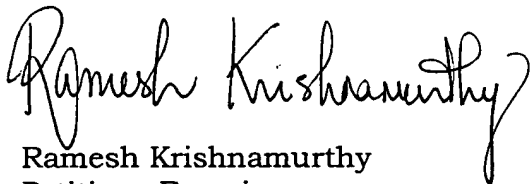
Further correspondence with respect to this matter should be addressed as follows:

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